

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

**LASHEA MOORE, as parent
and next friend of Z.S., a minor**

PLAINTIFF

V.

NO. 4:22-CV-42-DMB-JMV

**CLARKSDALE MUNICIPAL
SCHOOL DISTRICT, et al.**

DEFENDANTS

ORDER

On March 28, 2023, Clarksdale Municipal School District and Dr. Earl Joe Nelson filed a motion for summary judgment, Doc. #99, a memorandum brief in support, Doc. #100, and “Defendants Clarksdale Municipal School District and Superintendent Dr. Earl Joe Nelson’s Statement of Undisputed Facts,” Doc. #101.

Neither the Local Rules of this Court nor the Federal Rules of Civil Procedure contemplate or authorize the filing of a separate itemization of facts. *Automation Design & Sols., Inc. v. Yeliseyev*, No. 3:08-cv-589, 2012 WL 12974010, at *4 (S.D. Miss. Feb. 29, 2012). Such filings provide an avenue for circumventing the page limits imposed by the Local Rules. *See Landrum v. Conseco Life Ins. Co.*, No. 1:12-cv-5, 2013 WL 6019303, at *15 (S.D. Miss. Nov. 13, 2013) (statement of facts in motion deemed attempt to circumvent page limits). Because the statement of facts here should have been incorporated in the memorandum brief filed in support of the summary judgment motion, the School District and Nelson’s separate statement of facts [101] is **STRICKEN** and their motion for summary judgment [99] is **DENIED without prejudice**. Within seven (7) days of the entry of this order, the School District and Nelson may refile their motion for summary judgment and memorandum brief in accordance with the Court’s procedural

rules. If refiled, the summary judgment motion and memorandum brief may not include any new basis for summary judgment or new legal argument.

SO ORDERED, this 11th day of April, 2023.

/s/Debra M. Brown
UNITED STATES DISTRICT JUDGE